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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,191	07/25/2003	Gary H. Newman	101120-0003	2692
24267 7590 02/19/2009 CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			EXAMINER PHAM, MICHAEL	
			ART UNIT 2167	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/627,191	Applicant(s) NEWMAN ET AL.	
	Examiner MICHAEL PHAM	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/08/08 has been entered.

Claim Status

2. Claims 1-21 are pending.
3. Claims 1-21 have been examined.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 20 recites a computer readable medium and computer storage media, however no where in

the specification defines what the computer readable medium comprises nor what applicant intends to claim as a computer storage media.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In view of MPEP 2106.IV.B: Determine Whether the Claimed Invention Falls Within An Enumerated Statutory Category and based on Supreme Court precedent and recent Federal Circuit decisions, a 35 USC § 101 process must:

1) be tied to another statutory class (such as a particular apparatus) (*Diamond v. Diehr*, 450 U.S.175, 184 (1981); *Parker v. Flook*, 437 U.S. 584 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63,70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876))

OR

2) transform underlying subject matter (such as an article or materials) to a different state or thing (*Gottschalk v. Benson*, 409 U.S. 63,71 (1972); and *In re Bilksi*, Appeal No. 2007-1130).

In view of the above reasons, claims 1, 7, and 12 failed to comply to the above 35 USC § 101 requirements 1) or 2), and therefore are directed to non-statutory subject matter. Dependent claims are also rejected for failing to resolve the deficiencies of claim 1, 7, and 12.

8. Claims 20-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best functional descriptive material per se.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material”. Both types of “descriptive material” are nonstatutory when claimed as descriptive material per se, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e. abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer”

Claim 20 recites “a database management system”. However, claim 20 fails to contain any computer hardware that is used to implement the system so as to realize its functionality. Thus, the body of claim 20 is merely an abstract idea and is being processed without any links to a practical result in the technology arts and without any computer hardware manipulation. Contrary to arguments made by some Applicants, use of the word “system” does not inherently

mean that the claim is directed to a machine. Only if at least one of the claimed elements of the system is a physical part of a device can the system as claimed constitute part of a device or a combination of devices to be a machine within the meaning of 101.

Furthermore, while the claim now recites “which is retained in computer storage media”, and “a profile group manager running on an associated computer”; the "computer storage media" and “running on an associated computer” is not an element of the claimed system, but instead is, at best, for use with the claimed system.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6295527 by McCormick et. al. (hereafter McCormick) further in view of U.S. Patent 6098067 by Alan K. Erickson (hereafter Erickson).

Claim 1:

McCormack discloses the following claimed limitations:

“B. including, in a group mapping table, one or more fields for the primary grouping criteria and one or more fields for the secondary grouping criteria, and including in those fields,

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in respective table records, values corresponding to the selected computer profile data that are utilized in the primary grouping and the secondary grouping criteria with the values associated with either or both of the primary grouping criteria and the secondary grouping criteria being ranges that extend between selected high and low values;”[B. including, in a group mapping table (group device table, figure 2 element 330), one or more fields for the primary grouping criteria (figure 2 element 330, group id/ col. 12 lines 6-24, device identifiers, 7300/7500) and one or more fields for the secondary grouping criteria (figure 2 element 330, group description/ col. 12 lines 6-24, device descriptions, IOS software version), and including in those fields, in respective table records (figure 2, tables), values corresponding to the selected computer profile data (col. 3 line 8, device data) that are utilized in the primary grouping criteria and the secondary grouping criteria with the values associated with either or both of the primary grouping criteria and the secondary grouping criteria being ranges (col. 12 lines 6-24, 7300/7500; version 10.3/11.1) that extend between selected high and low values (col. 12 lines 6-24, 7300/7500; 10.3/11.1)]

“wherein certain specific values for said primary grouping criteria and said secondary grouping criteria together uniquely identify one or more particular computers” [wherein certain specific values for said primary grouping criteria (col. 12 lines 6-24, device identifiers 7300/7500) and said secondary grouping criteria (col. 12 lines 6-24, IOS software version) together uniquely identify one or more particular computers (col. 12 lines 6-24, information about devices that are type 7300 or 7500 and that run IOS software version 10.3 or version 11.1)]

“C. further including, in the respective table records, information that identifies the groups to which the computers that satisfy the primary and secondary criteria are assigned;”[col.

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8 lines 65-67, using this structure, a user can establish a descriptive name for a group of devices, and persistently store either the members of the group, or information sufficient to dynamically construct the members of the group when the user desires to have a view of the group.

Accordingly, C. further including, in the respective table records, information that identifies the groups (group) to which the computers that satisfy the primary and secondary criteria are assigned (information).]

“D. receiving, for inclusion in the database, computer profile data from a plurality of computers;”[col. 11 lines 5-7 inventory polling process periodically polls the network, receives information about the network devices, and stores values derived from that information in a column of managed device table. Hence, McCormick discloses "D. receiving, for inclusion in the database, computer profile data from a plurality of computers" (stores network device information)]

“E. for the profile data from a given computer
extracting the selected profile data that are utilized in the primary groupings and the secondary groupings,”

querying the group mapping table to determine if the extracted profile data correspond to or fall within the ranges of the respective values that are included in the primary grouping fields and the secondary grouping fields in any of the records in the table, and

if the query results in no records, assigning the computer to a default group,

if the query results in one table record, assigning the computer to the group that is named in the record,

if the query results in multiple table records that include secondary low values, assigning the computer to the group that is named in the record that is in a first predetermined position in the order in which the records are returned, or

if the query results in multiple records and there are no corresponding secondary low values in the records, assigning the computer to the group that is named in the record that is in a second predetermined position in the order in which the records are returned; and” [McCormick discloses Col. 12 lines 17-19, applies the query to the database, which stores a super set of network device information. Further disclosing col. 8 lines 59-67-col. 9 lines 1-5, user can establish a descriptive name for a group of devices and store members of the group. Hence McCormick discloses E. for the profile data from a given computer "Extracting the selected profile data that are utilized in the primary groupings and the secondary groupings" (Col. 12 lines 17- 19, applies the query to the database, which stores a super set of network device information), "querying the group mapping table to determine if the extracted profile data correspond to or fall within the ranges of the respective values that are included in the primary grouping fields and the secondary grouping fields in any of the records in the table" (col. 12 lines 16-21, applies query) and, "if the query results in one table record, assigning the computer to the group that is named in the record" (col. 8 lines 65-67, using this structure user can establish a descriptive name for a group of devices and persistently store the members of the group (i.e. assigns device to group)).]

“F. manipulating the computer profile data from the database and producing, for a selected group level, reports that contain summaries of certain or all of the attributes of the computers in that are in the selected group level or below.”[Figure 1 and 3. col. 16 lines 38-61. Accordingly disclosing F. manipulating the computer profile data (device data) from the database (database 106) and producing, for a selected group level (device group), reports (reporting tasks) that contain summaries of certain or all of the attributes of the computers (figure 3) in that are in the selected group level or below (device group)]

McCormick does not explicitly disclose “A. determining a multiple node tree structure of groups for the computers, in which each node is a group level and a top level is a root, based on primary grouping criteria and secondary grouping criteria that correspond to selected computer profile data;” and

“in the tree”

On the other hand, Erickson discloses the above limitation in figure 5 elements 501-507, and col. 5 lines 66-67. Accordingly, disclosing a. determining a multiple node tree structure of groups for the computers (figure 5 element 501), in which each node is a group level (figure 5 elements 505, 506, and 507) and a top level is a root (figure 5 element 504), based on primary grouping criteria (col. 5 lines 66-67, language) and secondary grouping criteria (col. 5 lines 66-67, processor type) that correspond to selected computer profile data (figure 5 elements 502, 503) and “in the tree” (figure 5 element 501).

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Both McCormack and Erickson are related in that both group devices together. For the above reasons, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Erickson's disclosure above to the disclosure of McCormack in order to provide a system that allows a user to easily view different groups in a collapsible fashion.

Claim 2 :

The combination of McCormick and Erickson disclose in McCormack "wherein one or more table records includes secondary grouping values set to NULL" (col. 10 line 41, Null filter values are possible).

Claim 3 :

The combination of McCormick and Erickson disclose in McCormack "wherein the respective values associated with the primary grouping criteria are ranges and the step of determining if the extracted data correspond to the respective values further includes determining if the corresponding extracted data falls within one of the primary grouping ranges" (col. 10 lines 51-55, limit the scope of the filters so that the result set or view is reasonable in size, finite, and rapidly assembled.).

Claim 4 :

The combination of McCormick and Erickson disclose in McCormack "wherein the values associated with the secondary grouping criteria are ranges and the step of determining if the

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extracted data correspond to the values further includes determining if the corresponding extracted data of interest falls within one of the secondary grouping ranges" (col. 10 lines 51-55, limit the scope of the filters so that the result set or view is reasonable in size, finite, and rapidly assembled.).

Claim 5 :

The combination of McCormick and Erickson disclose in McCormack "wherein the step of querying further includes determining if the extracted data corresponds to the primary grouping criteria and a secondary low value of NULL or the empty string" (col. 10 line 41, Null filter values are possible).

Claim 6 :

The combination of McCormick and Erickson disclose in McCormack "The method of claim 1 wherein the primary and secondary grouping criteria correspond to user-specified values of the selected computer profile data." (abstract line 11, user-entered criteria)

Claim 7 :

McCormick discloses the following claimed limitations:

“B. including, in a group mapping table, fields for the ranges of values of the selected computer profile data that are the primary grouping criteria, and including in those fields, in respective table records, high and low values for the ranges of the selected computer profile data;” [B. including, in a group mapping table (group device table, figure 2 element 330), one or

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more fields for the primary grouping criteria (figure 2 element 330, group id/ col. 12 lines 6-24, device identifiers, 7300/7500) and one or more fields for the secondary grouping criteria (figure 2 element 330, group description/ col. 12 lines 6-24, device descriptions, IOS software version), and including in those fields, in respective table records (figure 2, tables), values corresponding to the selected computer profile data (col. 3 line 8, device data) that are utilized in the primary grouping and the secondary grouping criteria with the values associated with either or both of the primary grouping criteria and the secondary grouping criteria being ranges (col. 12 lines 6-24, 7300/7500; version 10.3/11.1) that extend between selected high and low values (col. 12 lines 6-24, 7300/7500; 10.3/11.1)]

“wherein certain specific values for said primary grouping criteria and said secondary grouping criteria together uniquely identify one or more particular computers” [wherein certain specific values for said primary grouping criteria (col. 12 lines 6-24, device identifiers 7300/7500) and said secondary grouping criteria (col. 12 lines 6-24, IOS software version) together uniquely identify one or more particular computers (col. 12 lines 6-24, information about devices that are type 7300 or 7500 and that run IOS software version 10.3 or version 11.1)]

“C. further including, in the table records, information that identifies the groups to which the computers that satisfy the primary grouping criteria are assigned;” [col. 8 lines 65-67, using this structure, a user can establish a descriptive name for a group of devices, and persistently store either the members of the group, or information sufficient to dynamically construct the members of the group when the user desires to have a view of the group. Accordingly, C. further including, in the respective table records, information that identifies the groups (group) to which the computers that satisfy the primary and secondary criteria are assigned (information).]

“D. receiving, for inclusion in the database, computer profile data from a plurality of computers;” [

col. 11 lines 5-7 inventory polling process periodically polls the network, receives information about the network devices, and stores values derived from that information in a column of managed device table. Hence, McCormick suggests "D. receiving, for inclusion in the database, computer profile data from a plurality of computers" (stores network device information)]

“E. for the profile data from a given computer

extracting the selected profile data that is utilized in the primary grouping,

querying the group mapping table to determine if the extracted data fall within the ranges of values that are included in the primary grouping fields in any of the table records, and

if the query results in no records, assigning the computer to a default group,

if the query results in one table record, assigning the computer to the group that is named in the record, or

if the query results in multiple table records assigning the computer to the group that is named in the record that is in a first predetermined position in the order in which the records are returned; and” [McCormick discloses Col. 12 lines 17-19, applies the query to the database, which stores a super set of network device information. Further disclosing col. 8 lines 59-67-col. 9 lines 1-5, user can establish a descriptive name for a group of devices and store members of the group. Hence McCormick suggest E. for the profile data from a given computer

"Extracting the selected profile data that are utilized in the primary groupings and the secondary groupings" (Col. 12 lines 17- 19, applies the query to the database, which stores a super set of network device information), "querying the group mapping table to determine if the extracted profile data correspond to or fall within the ranges of the respective values that are included in the primary grouping fields and the secondary grouping fields in any of the records in the table" (col. 12 lines 16-21, applies query) and, "if the query results in one table record, assigning the computer to the group that is named in the record" (col. 8 lines 65-67, using this structure user can establish a descriptive name for a group of devices and persistently store the members of the group (i.e. assigns device to group)).]

"F. manipulating the computer profile data from the database and producing, for a selected group level, to reports that summarize the attributes of the computers that are in the selected group level or below." [Figure 1 and 3. col. 16 lines 38-61. Accordingly disclosing F. manipulating the computer profile data (device data) from the database (database 106) and producing, for a selected group level (device group), reports (reporting tasks) that contain summaries of certain or all of the attributes of the computers (figure 3) in that are in the selected group level or below (device group)]

McCormick does not explicitly disclose "A. determining a multiple node tree structure of groups for the computers, in which each node is a group level and a top level is a root, based on

primary grouping criteria that correspond to ranges of values of selected computer profile data;”
and “in the tree”

On the other hand, Erickson discloses the above limitation in figure 5 elements 501-507, and col. 5 lines 66-67. Accordingly, disclosing a. determining a multiple node tree structure of groups for the computers (figure 5 element 501), in which each node is a group level (figure 5 elements 505, 506, and 507) and a top level is a root (figure 5 element 504), based on primary grouping criteria (col. 5 lines 66-67, language) and secondary grouping criteria (col. 5 lines 66-67, processor type) that correspond to selected computer profile data (figure 5 elements 502, 503) and “in the tree” (figure 5 element 501).

Both McCormack and Erickson are related in that both group devices together. For the above reasons, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Erickson's disclosure above to the disclosure of McCormack in order to provide a system that allows a user to easily view different groups in a collapsible fashion.

Claim 8 :

McCormack discloses the following claimed limitations:

"Including, in the table, fields that correspond to a range of values for computer profile data that are selected as secondary grouping criteria to assign the computers to groups for profile data reporting, and including in the fields in respective table records high and low values for the

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secondary grouping computer profile data of interest, and"

McCormick discloses col. 8 lines 28-30, group filter criteria table. McCormick further discloses Col. 8 lines 34-36, The group filter criteria table has columns named group filter id, filter metadata id, group id, filter type, and filter value, col. 8 lines 65-67, using this structure, a user can establish a descriptive name for a group of devices, and persistently store either the members of the group, or information sufficient to dynamically construct the members of the group when the user desires to have a view of the group. Further disclosing col. 10 lines 51-55, limit the scope of the filters so that the result set or view is reasonable in size, finite, and rapidly assembled and Col. 17 lines 10-15, information about the devices in group is displayed to the user. Hence, McCormick suggests "Including, in the table, fields that correspond to a range of values for computer profile data that are selected as secondary grouping criteria to" (could be filter value and limits (range) are set for filters.) "assign the computers to groups for profile data reporting" (group is displayed to the user), and including in the fields in respective table records high and low values for the secondary grouping computer profile data of interest, and" (limits).

"For the profile data from a given computer further extracting data that correspond to the computer profile data selected for the secondary grouping criteria, further querying the table to determine if the further extracted data fall within the secondary grouping criteria ranges included in the table records, and if the query results in one table record, assigning the computer to the group that is named in the record, if the query results in multiple table records that include secondary low values, assigning the computer to the group that is named in the record that is in a

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second predetermined position in the order in which the records are returned, if the query results in no records, assigning the computer to a default group, or If the query results in multiple records and there are no corresponding secondary low values in the records, assigning the computer to the group that is named in the record that is in a third predetermined position in the order in which the records are returned."

McCormick discloses Col. 12 lines 17-19, applies the query to the database, which stores a super set of network device information. Further disclosing col. 8 lines 59-67-col. 9 lines 1-5, user can establish a descriptive name for a group of devices and store members of the group. Hence McCormick suggest for the profile data from a given computer "Extracting the selected profile data that is utilized in the second grouping profile data of interest" (Col. 12 lines 17-19, applies the query to the database, which stores a super set of network device information), "Querying the table to determine if the extracted data fall within the ranges of values that are included in the primary grouping fields in any of the table records" (col. 12 lines 16-21, applies query. Col. 10 lines 50-55, limit scope of filters) and, "if the query results in one table record, assigning the computer to the group that is named in the record" (col. 8 lines 65-67, using this structure user can establish a descriptive name for a group of devices and persistently store the members of the group (i.e. assigns device to group)).

Claim 9 :

The combination of McCormick and Erickson disclose in McCormack "wherein the step of querying further includes determining if the extracted data corresponds to the primary grouping

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criteria and a secondary low value of NULL or the empty string" (col. 10 line 41, Null filter values are possible).

Claim 10 :

The combination of McCormick and Erickson disclose in McCormack "wherein the first predetermined position in the order of the records is the first record found and the second predetermined position in the order of records is the last record found" (col. 9 lines 50-60, col. 11 lines 18-29, figure 3 element 310. Accordingly, views are set up in positions where no filtered values are ordered last, not that .the first (row having cisco) contains all filtered values. After rows).

Claim 11 :

The combination of McCormick and Erickson disclose in McCormack "wherein the second predetermined position in the order of the records is the first record found and the third predetermined position in the order of records is the last record found" (col. 9 lines 50-60, col. 11 lines 18-29, figure 3 element 310. Accordingly, views are set up in positions where no filtered values are ordered last, not that the first (row having cisco) contains all filtered values. After rows).

Claim 12 :

McCormick discloses the following claimed limitations "and the selected values of one or both of the primary grouping criteria and the secondary grouping criteria are ranges between

selected high and low values;”[col. 12 lines 6-24. Accordingly, the selected values of one or both of the primary grouping criteria (device type) and the secondary grouping criteria (device descriptions) are ranges between selected high and low values (7300/7500, 10.3/11.1)]

“wherein certain specific values for said primary grouping criteria and said secondary grouping criteria together uniquely identify one or more particular computers” [wherein certain specific values for said primary grouping criteria (col. 12 lines 6-24, device identifiers 7300/7500) and said secondary grouping criteria (col. 12 lines 6-24, IOS software version) together uniquely identify one or more particular computers (col. 12 lines 6-24, information about devices that are type 7300 or 7500 and that run IOS software version 10.3 or version 11.1)]

“manipulating the database computer profile data and producing, for one or more selected group levels, profile reports that contain summaries of certain or all of the attributes of the computers that are included in a given group, level or below”[Figure 1 and 3. col. 16 lines 38-61. Accordingly, manipulating the database computer profile data (device data) and producing, for one or more selected group levels (device group), profile reports (reporting tasks) that contain summaries of certain or all of the attributes of the computers (figure 3) that are included in a given group, level or below (device group)]

McCormick does not explicitly disclose “grouping the plurality of computers in groups that are nodes of a multiple node tree in which each node is a group level and a top level is a root in accordance with user- specified primary grouping criteria and secondary grouping criteria that correspond to respective values of selected computer profile data” and “in the tree and in the groups in the subtree that has the given group as its root”

Erickson discloses grouping the plurality of computers in groups that are nodes of a multiple node tree (figure 5 element 501) in which each node is a group level (figure 5 elements 505, 506, 507) and a top level is a root (figure 5 element 504) in accordance with user-specified (col. 3 lines 52-56) primary grouping criteria (language) and secondary grouping criteria (processor type) that correspond to respective values of selected computer profile data (figure 5 502/503) and in the tree (figure 5 element 501) and in the groups in the subtree (figure 5 elements 505,506,507) that has the given group as its root (figure 5 element 504).

Both McCormack and Erickson are related in that both group devices together. For the above reasons, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Erickson's disclosure above to the disclosure of McCormack in order to provide a system that allows a user to easily view different groups in a collapsible fashion.

Claim 13 :

The combination of McCormick and Erickson disclose in McCormack "wherein the step of grouping further includes re-grouping the plurality of computers in groups in accordance with different user-specified primary and secondary grouping criteria" (abstract, network devices that meet user-entered criteria).

Claim 14 :

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The combination of McCormick and Erickson disclose in McCormack "wherein the step of grouping further includes grouping the plurality of computers in groups in accordance with primary and secondary grouping criteria that correspond to computer profile data that represents selected physical locations of users" (col. 10 line 61, Geographical location).

Claim 15 :

The combination of McCormick and Erickson disclose in McCormack "wherein the further step of grouping includes re-grouping the plurality of computers in groups in accordance with primary and secondary grouping criteria that correspond to computer profile data that represents selected structures within the underlying organization of users" (col. 10 line 62, name of individual responsible for device).

Claim 16 :

The combination of McCormick and Erickson disclose in McCormack "wherein the step of grouping further includes grouping computers in accordance with user-specified primary and secondary criteria that utilize ranges of values for the selected computer profile data" (col. 10 lines 51-55, limit the scope of the filters so that the result set or view is reasonable in size, finite, and rapidly assembled).

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Claim 17 :

The combination of McCormick and Erickson disclose in McCormack " wherein the step of grouping further includes re-grouping the plurality of computers in groups in accordance with different user-specified ranges of values of the selected computer profile data" (col. 10 lines 51-55, limit the scope of the filters so that the result set or view is reasonable in size, finite, and rapidly assembled).

Claim 18 :

The combination of McCormick and Erickson disclose in McCormack "wherein the respective ranges of values correspond to a selected structure within the underlying organization of users" (col. 10 lines 51-55, limit the scope of the filters so that the result set or view is reasonable in size, finite, and rapidly assembled).

Claim 19 :

The combination of McCormick and Erickson disclose in McCormack "wherein the further step of grouping includes re-grouping the plurality of computers in groups in accordance with primary and secondary grouping criteria that correspond to other selected structures within the underlying organization of users" (col. 10 line 62, name of individual responsible for device).

Claim 20 :

McCormick discloses the following claimed limitations:

“a. collecting means for collecting profile data for a given computer into the database which is retained in computer storage media;”[col. 6 lines 44-45, the database manages data tables that store information collected from the network 108 and information needed by the filter mechanism to interpret the information collected from the network. Accordingly, a. collecting means for collecting profile data (device data) for a given computer into the database (database) which is retained in computer storage media (figure 6);]

“with the values associated with either or both of the primary grouping criteria and the secondary grouping criteria being ranges that extend between selected high and low values, and wherein certain specific values for said primary grouping criteria and said secondary grouping criteria together uniquely identify one or more particular computers; the profile group manager maintaining the group information in computer storage media, and”[values associated with either or both of the primary grouping criteria and the secondary grouping criteria (col. 12 lines 6-24, device type/device description) being ranges that extend between selected high and low values (col. 12 lines 6-24, 7300/7500; 10.3/11.1), and wherein certain specific values for said primary grouping criteria (col. 12 lines 6-24, device identifiers 7300/7500) and said secondary grouping criteria (col. 12 lines 6-24, IOS software version) together uniquely identify one or more particular computers (col. 12 lines 6-24, information about devices that are type 7300 or 7500 and that run IOS software version 10.3 or version 11.1); the profile group manager (figure 2 element 330, device group table) maintaining the group information (figure 2 element 330) in computer storage media (figure 6)]

“manipulating the data in the database to produce reports that summarize the attributes of the computers”[manipulating the data in the database (col. 6 lines 44-46, database manages data

tables that store information ...needed by filter mechanism. Col. 16 lines 41-43, the filter mechanism is invoked to carry out device information filtering and to display an appropriate view) to produce reports (reporting tasks) that summarize the attributes of the computers (figure 3 element 310)]

“providing the reports to a user the various groups.”[figure 3]

McCormick does not explicitly disclose B. a profile group manager running on an associated computer for grouping the computers into a specified tree-structure of groups in which each node of the tree is a group level and a top level is a root, based on primary and secondary grouping criteria that correspond to respective values of selected computer profile data with the values associated with either or both of the primary grouping criteria. And “a given group level and the levels below on the tree”

Erickson discloses a profile group manager for grouping the computers into a specified tree-structure of groups (figure 5 element 501) in which each node of the tree is a group level (figure 5 elements 505, 506, 507) and a top level is a root (figure 5 element 504) based on primary (language) and secondary grouping criteria (processor type) that correspond to respective values of selected computer profile data (figure 5 502/503) with the values (figure 5) associated with either or both the primary grouping criteria (language/processor type) and in the tree (figure 5 element 501) and in the groups in the subtree (figure 5 elements 505,506,507) that has the given group as its root (figure 5 element 504). Further disclosing a given group level and the levels below on the tree (figure 5 element 501).

Both McCormack and Erickson are related in that both group devices together. For the above reasons, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Erickson's disclosure above to the disclosure of McCormack in order to provide a system that allows a user to easily view different groups in a collapsible fashion.

Claim 21 :

The combination of McCormick and Erickson disclose in McCormack "wherein the profile group manager

Adds a group mapping table to the database, the group mapping table including a primary grouping criteria field, a secondary grouping criteria field and a group identification field with the respective table records containing primary grouping criteria and secondary grouping criteria and corresponding group information" (McCormick discloses col. 8 lines 28-30, group filter criteria table. McCormick further discloses Col. 8 lines 34-36, The group filter criteria table has columns named group filter id, filter metadata id, group id, filter type, and filter value, col. 8 lines 65-67, using this structure, a user can establish a descriptive name for a group of devices, and persistently store either the members of the group, or information sufficient to dynamically construct the members of the group when the user desires to have a view of the group.); "Includes a given computer in a group by (i) extracting from the profile data the data that corresponds to the primary grouping criteria and the secondary grouping criteria," (Col. 12 lines

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17-19, applies the query to the database, which stores a super set of network device information) "(ii) querying the group mapping table for records that match the extracted data, and "(col. 12 lines 16-21, applies query)"(iii) assigning a computer to a group that is specified by the group identification field in a record that is determined to match the query" (col. 8 lines 65-67, using this structure user can establish a descriptive name for a group of devices and persistently store the members of the group (i.e. assigns device to group)).

Response to Arguments

11. Applicant's arguments filed 6/10/08 have been fully considered but they are not persuasive. Applicant's assert the following in regards to the cited references.

A. Neither McCormack nor Erickson disclose or teaches or suggests "values corresponding to the selected computer profile data that are utilized in the primary grouping criteria and secondary grouping criteria with the values associated with either or both of the primary grouping criteria and the secondary grouping criteria being ranges that extend between selected high and low values and wherein certain specific values for said primary grouping criteria and secondary grouping criteria being ranges that extend between high and low values and wherein certain specific values for said primary grouping criteria and said secondary grouping criteria together uniquely identify one or more particular computers. That the filter mechanism is designed to search for device types in a disjunctive "or" manner, not device types that are within 7300 and 7500. Thus McCormack's filter does not search for devices within a

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range as in Applicant's invention which can search for example IP addresses within a specified range.

In response, the examiner disagrees. In the above rejection McCormack is utilized in order to disclose the ranges. McCormack discloses a set of device types ranging from 7205-7600, see figure 3 element 314. McCormack discloses that the filter searches for devices within the range 7205-7600 for devices that are 7300 and 7500. Accordingly, the claim is still broad enough to read on the cited reference. The rejection is therefore maintained.

B. That further, just specifying "German" and "alpha" does not identify a unique device and therefore Erickson does not disclose "values corresponding to the selected computer profile data that are utilized in the primary grouping criteria and secondary grouping criteria with the values associated with either or both of the primary grouping criteria and the secondary grouping criteria being ranges that extend between selected high and low values and wherein certain specific values for said primary grouping criteria and secondary grouping criteria being ranges that extend between high and low values and wherein certain specific values for said primary grouping criteria and said secondary grouping criteria together uniquely identify one or more particular computers."

In response, please see part A. Furthermore this is disagreed. Since selection of German and alpha identifies computer node 507B.

C. Applicant notes that neither reference allows each computer to be uniquely identified in a structure that reflects the organization of the company, such as by using identifiers including the PC Name and corporate department such as sales, marketing, headquarters and the like and which make the name unique. That in the specifications state “the grouping mimics both a company’s organizational structure and its underlying physical set up. The company uses structured PC Names that include three letters followed by four digits. The three letters denote the organizational responsibilities of the computer’s user, And the numbers make the name unique.”

In response, nothing in the independent claims disclose the above assertions corresponding to “reflects the organization of the company, such as by using identifiers including the PC Name and corporate department such as sales, marketing, headquarters and the like and which make the name unique” nor “the grouping mimics both a company’s organizational structure and its underlying physical set up. The company uses structured PC Names that include three letters followed by four digits. The three letters denote the organizational responsibilities of the computer’s user, And the numbers make the name unique.”

D. The combination of McCormack and Erickson do not disclose “manipulating the computer profile data from the database and producing, for a selected group level, reports that contain summaries of certain or all the attributes of the computers that are in the selected group level or below in the tree.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

12. The prior art made of record listed on pto-892 and not relied, if any, upon is considered pertinent to applicant's disclosure.

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PHAM whose telephone number is (571)272-3924. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. P./
Examiner, Art Unit 2167

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit
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